



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL


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TO: PATRICK OGAWA  
Acting Executive Officer  
Board of Supervisors  
  
Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel  
Executive Office

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Charvus Thomas v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 477 574**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Charvus Thomas v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 477 574 in the amount of \$165,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of the use of excessive force by Sheriff's Deputies on an inmate while in custody at Men's Central Jail.

## **CASE SUMMARY**

### **INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

CASE NAME	Charvus Thomas v. County of Los Angeles, et al.
CASE NUMBER	BC 477574
COURT	Los Angeles Superior Court
DATE FILED	January 23, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 165,000
ATTORNEY FOR PLAINTIFF	Julius Johnson, Esq.
COUNTY COUNSEL ATTORNEY	Edward L. Hsu Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$165,000, the lawsuit filed by Plaintiff Charvus Thomas alleging his civil rights were violated on January 17, 2011, when Los Angeles County Sheriff's Deputies used excessive force against him.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$165,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 54,551
PAID COSTS, TO DATE	\$ 10,603



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<b>Monday, January 17, 2011, 1453 hours</b>
Briefly provide a description of the incident/event:	On Monday, January 17, 2011, at 1453 hours, Deputy 1 and 2 Searched Plaintiff 1 in the 9000 hallway, at some point Plaintiff 1 resisted and was taken down to the ground by Deputy 1, which caused Plaintiff 1 to hit his face against the floor. Deputy 1 and 2 punched Plaintiff 1 in the body to gain compliance. Plaintiff 1 sustained a swollen left eye and a chipped front tooth. Plaintiff 1 alleged he was struck in the face with Deputy 1's flashlight

1. Briefly describe the root cause(s) of the claim/lawsuit:

- The involved deputies did not call for a Sergeant and back up, immediately, when they heard the disturbance which could have mitigated the escalation toward using force
- Plaintiff 1 alleged he was hit in the face with a flashlight. Although the video depicts Deputy 1's flashlight falling out of its holder onto the floor, the policy for flashlights weight and size were changed.
- The Incident was captured on a grainy CCTV camera, which made it difficult to see the intimate details of the Deputies actions, if clearer camera were installed it would have been easy to disprove the Plaintiff's Allegations

The involved deputies should have called for a Sergeant and back up prior to opening the dorm door and removing Plaintiffs.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- The involved deputies should have called for a Sergeant immediately when they heard the disturbance, which could have mitigated the Use Of Force had the Sergeant Directed the Deputies actions in addition the Sergeant, if present would have been able to bear witness to the Use Of Force, ***Due to this concern the below A and B were implemented:***
- ***The "Force Prevention Policy" was implemented, A- Force Prevention Policy 3-02/035.05 Revised 01/07/15 CDM***
- ***The "Recalcitrant Inmate Policy" was Implemented, B- Recalcitrant Inmate Policy 5-05/090.05 REV 06/26/13 CDM***
- The Inmate alleged he was hit in the face with a flashlight. Although the video depicts the Deputy flashlight falling out of its holder onto the floor, ***the policy for flashlights weight and size was changed. C- Flashlights Policy, 3-06/055.20 REV 05/23/12 CDM***
- ***Implementation of a new Force Response Team (CFRT) that responds to all CAT II (Use Of Force with injuries or complaint of pain) and will immediately ascertain if there are any policy violations, training issues, areas of concern or to provide guidance. D-Custody Force Response Team guidelines, 4-07/005.05 REV 08/0714 CDM***
- ***Implementation of a new Commander Force Review Committee (CFRC) that reviews any CAT II Use Of Force for policy violations and training issues. E-Custody Force Review Committee guidelines 4-07/005.00 REV 06/26/13 CDM***
- The Incident was captured on a grainy CCTV camera, which made it difficult to see the intimate details of the Deputies actions. ***Additional Cameras were installed, totaling approximately 1038***

Completed by June 30, 2015

Responsible person: Assistant Sheriff, Terri McDonald

3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.  
☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) <i>Rafel Ornelas</i>	
Signature: <i>Terri McDonald</i>	Date: <i>7-29-15</i>

County of Los Angeles  
Summary Corrective Action Plan

Name: (Department Head) <i>David L. Funder</i>	
Signature: <i>David L. Funder</i>	Date: 7/28/15

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) <i>Destiny Castro</i>	
Signature: <i>Destiny Castro</i>	Date: 7/28/2015